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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,986	06/23/2003	Billy Joe Ratliff JR.	DN2003096	9094

27280 7590 02/23/2005

THE GOODYEAR TIRE & RUBBER COMPANY
INTELLECTUAL PROPERTY DEPARTMENT 823
1144 EAST MARKET STREET
AKRON, OH 44316-0001

EXAMINER

MAKI, STEVEN D

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,986

Applicant(s)

RATLIFF, BILLY JOE

Examiner

Steven D. Maki

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 110104.092203.062303
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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1) The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 32. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3) Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is unclear how many ribs are being claimed. In claim 1 line 14, it is suggested to change "ribs" to --rib--.

In claims 5 and 9, it is unclear which chamfers are being described. In claims 5 and 9, it is suggested to insert --rib-- before "chamfer" (all occurrences).

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4) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6) **Claims 1-4, 6-7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Europe 971 (EP 1075971).**

The claimed tire is anticipated by the pneumatic tire having the figure 8 tread embodiment. The claimed rib reads on rib shaped land portion 8. The claimed slant grooves read on slant grooves 7a, 7b. The claimed "block chamfer" reads on chamfered corner 15. The claimed "rib chamfer" reads on pseudo land portion 11. *The pseudo land portion 11 is part of the rib 8* as best seen in figures 8, 9a and 9b. The claimed "laterally oriented edges" read on the trailing short edge of the pseudo land portion (the edge between section view II-II and section view III-III). The description of "laterally oriented edges" fails to require tread structure (e.g. the laterally oriented edge being ground contacting) different from that disclosed by Himuro 971. Himuro 971's block chamfer 15 and rib chamfer 11 are axially adjacent as can be seen in figure 8. As to offset, note the pseudo land portions 11 on one side of the rib are offset from those on the other side.

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7) Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Europe 971 in view of Himuro 892 (US 2002/0062892) or Japan '513 (JP 2002-240513).

Europe 971 is considered to anticipate claim 1. In any event: It would have been obvious to one of ordinary skill in the art to form Europe 971's tire tread having enhanced water drainage such that ground contacting edges of the rib comprise "laterally oriented edges" and drainage improving "rib chamfers" (pseudo land portions) extending from those edges as claimed since (1) Himuro '892, also directed to improving water drainage for a tread having a central rib and slant grooves, suggests forming the rib such that in addition to having "rib chamfers" (pseudo land portions 14a) for improving drainage, the rib has non-linear ground contacting edges comprising "laterally oriented edges"; one of ordinary skill in the art readily understanding that such edges improve traction or (2) Japan '513, also directed to improving water drainage for a tread having a central rib and slant grooves, suggests forming "rib chamfers" for improving drainage in the rib such that as can be seen from figure 1, the rib has nonlinear ground contacting edges comprising "laterally oriented edges".

As to claim 2, the blocks in figure 8 are not divided by circumferential grooves and thereby are continuous from the central region to the shoulders as claimed.

As to claims 3 and 4, the "rib chamfers" of Europe '971 decrease in width and height.

As to claim 5, it would have been obvious to configure Europe 971's rib chamfer (pseudo land part) as claimed since (1) Europe 971 teaches that the outermost edge of

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the pseudo land part may increase in height (figures 2a-2c) and (2) Europe 971 teaches that the innermost edge of the pseudo land part may decrease in height (figures 5a-5c).

8) Claims 6-7 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Europe 971 in view of Himuro 892 (US 2002/0062892) or Japan '513 (JP 2002-240513) as applied above and further in view of Europe 685 (EP 688685).

As to claims 6-7, it would have been obvious to provide Europe 971's slant grooves with the claimed maximum width in the central 15% of each side region since, Europe 685, directed to improvement of wet performance of a tire having a central rib and slant grooves, suggests sizing such grooves such that the slant groove is wider in the middle region.

As to claims 10-11, it would have been obvious to provide Europe 971's tread such that the NTG decreases from the tread edge toward the tread center (or in other words, the negative ratio increases from the tread edge toward the tread center, since Europe 685 suggests increasing negative ratio from the side end of the tread toward the central region so as to obtain improvement of drainage property and ensuring rigidity for steering stability. As to maximum NTG at the EP, note the rib at the EP.

9) Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Europe 971 in view of Himuro 892 or Japan '513 as applied above and further in view of Japan 319 (Japan 2002-103919).

As to claims 8-9, it would have been obvious to use sipes in Europe '971's tread such that the claimed sipe density is 2-8 sipes per inch (0.78-3.15 sipes / cm) since

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Japan, also directed to improving drainage of a tire tread having a central rib and slant grooves, suggests forming sipes at a pitch (spacing) of for example 5.8 mm, in the central rib, which like that of Europe '971 has "rib chamfers" (pseudo land parts / false land parts 26) so that the tire tread has excellent braking effect on ice / snow in addition to having improved drainage. The limitation of the sipes extending into the chamfers would have been obvious in view of (a) Europe 971's teaching to form the pseudo land part on the side surface of the rib and (b) Japan '319's teaching to use sipes in the rib such that the sipes open to the side surfaces of the rib.

Remarks

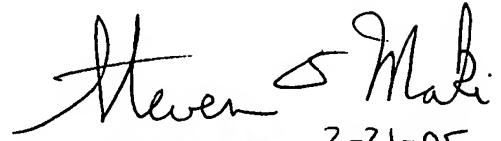
- 10) The remaining references are of interest.
- 11) No claim is allowed.
- 12) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven D. Maki
February 21, 2005


STEVEN D. MAKI 2-21-05
PRIMARY EXAMINER
~~GROUP 1300~~
AV 1733